

ASSEMBLY BILL

No. 1779

Introduced by Assembly Member Galgiani

February 21, 2012

An act to amend Section 8920 of the Government Code, relating to the code of ethics.

LEGISLATIVE COUNSEL'S DIGEST

AB 1779, as introduced, Galgiani. Code of ethics.

Existing law prohibits a Member of the Legislature, state elective or appointive officer, or judge or justice, while serving as such, from having any interest, engaging in any business or transaction or professional activity, or incurring any obligation which is in substantial conflict with the proper discharge of that person's duties in the public interest. Existing law also prohibits a Member of the Legislature from performing specified acts, including, among others, accepting specified employment and disclosing confidential information acquired in the course of and by reason of the Member's official duties.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8920 of the Government Code is amended
- 2 to read:
- 3 8920. (a) ~~No~~A Member of the Legislature, state elective or
- 4 appointive officer, or judge or justice shall *not*, while serving as

1 such, have any interest, financial or otherwise, direct or indirect,
2 or engage in any business or transaction or professional activity,
3 or incur any obligation of any nature, which is in substantial
4 conflict with the proper discharge of his *or her* duties in the public
5 interest and of his *or her* responsibilities as prescribed in the laws
6 of this state.

7 (b) ~~No~~A Member of the Legislature shall *not* do any of the
8 following:

9 (1) Accept other employment which ~~he~~ *the Member* has reason
10 to believe will either impair his *or her* independence of judgment
11 as to his *or her* official duties or require him *or her*, or induce him
12 *or her*, to disclose confidential information acquired by ~~him~~ *the*
13 *Member* in the course of and by reason of ~~his~~ *the Member's* official
14 duties.

15 (2) Willfully and knowingly disclose, for pecuniary gain, to any
16 other person, confidential information acquired by ~~him~~ *the Member*
17 in the course of and by reason of ~~his~~ *the Member's* official duties
18 or use any such information for the purpose of pecuniary gain.

19 (3) Accept or agree to accept, or be in partnership with any
20 person who accepts or agrees to accept, any employment, fee, or
21 other thing of monetary value, or portion thereof, in consideration
22 of ~~his~~ *the Member's* appearing, agreeing to appear, or taking any
23 other action on behalf of another person before any state board or
24 agency.

25 This subdivision shall not be construed to prohibit a ~~member~~
26 *Member* who is an attorney at law from practicing in that capacity
27 before any court or before the Workers' Compensation Appeals
28 Board and receiving compensation therefor. This subdivision shall
29 not act to prohibit a ~~member~~ *Member* from acting as an advocate
30 without compensation or making inquiry for information on behalf
31 of a constituent before a state board or agency, or from engaging
32 in activities on behalf of another which require purely ministerial
33 acts by the board or agency and which in no way require the board
34 or agency to exercise any discretion, or from engaging in activities
35 involving a board or agency which are strictly on his or her own
36 behalf. The prohibition contained in this subdivision shall not
37 apply to a partnership or firm of which the Member of the
38 Legislature is a member if the Member of the Legislature does not
39 share directly or indirectly in the fee, less any expenses attributable
40 to that fee, resulting from the transaction. The prohibition contained

1 in this subdivision as it read immediately prior to January 1, 1983,
2 shall not apply in connection with any matter pending before any
3 state board or agency on or before January 2, 1967, if the affected
4 Member of the Legislature was an attorney of record or
5 representative in the matter prior to January 2, 1967. The
6 prohibition contained in this subdivision, as amended and operative
7 on January 1, 1983, shall not apply to any activity of any Member
8 in connection with a matter pending before any state board or
9 agency on January 1, 1983, which was not prohibited by this
10 section prior to that date, if the affected Member of the Legislature
11 was an attorney of record or representative in the matter prior to
12 January 1, 1983.

13 (4) Receive or agree to receive, directly or indirectly, any
14 compensation, reward, or gift from any source except the State of
15 California for any service, advice, assistance, or other matter related
16 to the legislative process, except fees for speeches or published
17 works on legislative subjects and except, in connection therewith,
18 reimbursement of expenses for actual expenditures for travel and
19 reasonable subsistence for which no payment or reimbursement
20 is made by the State of California.

21 (5) Participate, by voting or any other action, on the floor of
22 either house, in committee, or elsewhere, in the passage or defeat
23 of legislation in which ~~he~~ *the Member* has a personal interest,
24 except as follows:

25 (i)

26 (A) If, on the vote for final passage by the house of which he
27 *or she* is a member, of the legislation in which ~~he~~ *the Member* has
28 a personal interest, he *or she* first files a statement (which shall be
29 entered verbatim on the journal) stating in substance that ~~he~~ *the*
30 *Member* has a personal interest in the legislation to be voted on
31 and, notwithstanding that interest, he *or she* is able to cast a fair
32 and objective vote on that legislation, ~~he~~ *the Member* may cast his
33 *or her* vote without violating any provision of this article.

34 (ii)

35 (B) If the ~~member~~ *Member* believes that, because of his *or her*
36 personal interest, he *or she* should abstain from participating in
37 the vote on the legislation, ~~he~~ *the Member* shall so advise the
38 presiding officer prior to the commencement of the vote and shall
39 be excused from voting on the legislation without any entry on the
40 journal of the fact of his *or her* personal interest. In the event a

1 rule of the house requiring that each ~~member~~ *Member* who is
2 present vote aye or nay is invoked, the presiding officer shall order
3 the ~~member~~ *Member* excused from compliance and shall order
4 entered on the journal a simple statement that the ~~member~~ *Member*
5 was excused from voting on the legislation pursuant to law.

6 The provisions of this section do not apply to persons who are
7 members of the state civil service as defined in Article VII of the
8 California Constitution.